

## Municipal Annexation Plan of Services

Pursuant to Title 22, Delaware Code, §101, any city or town proposing to extend its boundaries, irrespective of any municipal charter provisions, whether such extension is proposed by action of the General Assembly or pursuant to the provisions of a home rule charter, must submit a Plan of Services to the Office of State Planning Coordination. The Plan of Services must be received by our office for review and acceptance at least 20 working days prior to the final discretionary action taken by the municipal legislative body. Please review your charter to identify the final discretionary action for your particular jurisdiction. For example, in some municipalities, the act of voting to hold a special election obligates the jurisdiction to annex the property in advance, pending the outcome of the election. For your information, provisions of the Delaware Code applicable to annexations are attached at the end of the Plan of Services.

- If you complete the form electronically, the template will expand as you type. You must also send a signed original form through the regular mail. To submit attachments electronically, place your cursor in the area indicated at the end of the document and use the Insert function on your toolbar.
- A completed Plan of Services demonstrates the ability of your municipality to provide utilities and public services to the area proposed for annexation. We welcome the inclusion of supplemental materials that illustrate the character of the site, any proposed development, and the impact the proposed annexation will have on your community.
- The form and all attachments must be fully completed at the time of submission. The Plan of Services will not be reviewed unless all attachments have been provided. You can use the list below to be sure all attachments have been included with the Plan of Services.

### Attachment Checklist

Locator map	<input type="checkbox"/>	attached	
Annexation map from comprehensive plan	<input type="checkbox"/>	attached	
Water facilities plan	<input type="checkbox"/>	attached	<input type="checkbox"/> on file with OSPC
Water provider letter	<input type="checkbox"/>	attached	<input type="checkbox"/> not applicable
Wastewater facilities plan	<input type="checkbox"/>	attached	<input type="checkbox"/> on file with OSPC
Wastewater provider letter	<input type="checkbox"/>	attached	<input type="checkbox"/> not applicable
Electric provider letter	<input type="checkbox"/>	attached	<input type="checkbox"/> not applicable
Police, Fire, EMS letters	<input type="checkbox"/>	attached	
Current municipal budget	<input type="checkbox"/>	attached	<input type="checkbox"/> on file with OSPC
Current municipal audit	<input type="checkbox"/>	attached	<input type="checkbox"/> on file with OSPC
Annexation agreements	<input type="checkbox"/>	attached	<input type="checkbox"/> not applicable
Planning or Annexation Committee report	<input type="checkbox"/>	attached	
Signatures of Mayor and Town Engineer	<input type="checkbox"/>	attached	

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NOTES:

# MUNICIPAL ANNEXATION PLAN OF SERVICES

## 1. Property Information

1.1	Property name/description:		
1.2	Tax parcel identification number(s):		
1.3	Address:		
	City :	State:	Zip code:
1.4	Total acreage:		
1.5	Locator map which clearly shows the parcel(s) and demonstrates contiguity <input type="checkbox"/> attached.		
1.6	Annexation map from the certified municipal comprehensive plan which clearly indicates the location of the parcel(s) <input type="checkbox"/> attached.		
1.7	Name of petitioner for annexation:		
	Address:		
	City :	State:	Zip code:
1.8	Municipality name:		Contact person:
	Address:		
	City :	State:	Zip code:
	Phone:	E-Mail:	

## 2. Planning Information

2.1	Is the property developed? <input type="checkbox"/> Yes <input type="checkbox"/> No																						
2.2	How is the property identified in the certified municipal annexation plan?																						
	Annexation area <input type="checkbox"/>	Short-term annexation area <input type="checkbox"/>	Long-term annexation area <input type="checkbox"/>																				
	Other (define):																						
2.3	What is the land-use designation in the certified municipal annexation plan?																						
	<a href="#">Click here to choose one:</a>																						
2.4	Current use:	Current county zoning:																					
2.5	Proposed use:	Proposed municipal zoning:																					
2.6	Proposed density:	Maximum allowable density:																					
2.7	EDUs within current municipal boundaries:																						
	Vacant acreage within current municipal boundaries:																						
2.8	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;">Utility/Service:</th> <th style="width: 60%;">Provider:</th> </tr> </thead> <tbody> <tr><td>Water</td><td></td></tr> <tr><td>Wastewater transmission</td><td></td></tr> <tr><td>Wastewater treatment</td><td></td></tr> <tr><td>Electricity</td><td></td></tr> <tr><td>Police</td><td></td></tr> <tr><td>Fire</td><td></td></tr> <tr><td>EMS</td><td></td></tr> <tr><td>Road maintenance and repair</td><td></td></tr> <tr><td>Other:</td><td></td></tr> </tbody> </table>			Utility/Service:	Provider:	Water		Wastewater transmission		Wastewater treatment		Electricity		Police		Fire		EMS		Road maintenance and repair		Other:	
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### 3. Abbreviated Plan of Services

Indicate if any of the following conditions apply to the proposed annexation area and proceed to Section 9. If none apply, proceed to Section 4.

<input type="checkbox"/>	The property is an enclave <sup>1</sup> of five (5) acres or less.
<input type="checkbox"/>	The property is ten (10) acres or less and more than 50% is within municipal boundaries.
<input type="checkbox"/>	The property has been subdivided and fully developed and utilities and services are currently provided by the municipality.
<input type="checkbox"/>	The property has been subdivided and fully developed and utilities/services are provided by the municipality or another public utility. The public utility must supply a letter of concurrence describing their ability to provide necessary services to the proposed annexation area.

### 4. Water System

4.1	<input type="checkbox"/> Check here if the municipality will provide water to the proposed annexation area, attach relevant sections of the most recent water facilities plan and complete Items 4.2 through 4.7. If not, proceed to Item 4.8.
4.2	Current municipal system capacity (maximum gpd without capital expenditure):
4.3	Average municipal water usage (gpd):
4.4	DNREC permit allocation (gpd):      DNREC permit #:
4.5	Estimated future water demand (gpd) within current municipal boundaries based on approved EDUs and full build-out of vacant acreage under current zoning:
4.6	Estimated future water demand for the proposed annexation area (gpd) based on EDUs for proposed density or maximum allowable density under the proposed zoning:
4.7	If the current infrastructure cannot meet the estimated demand of the proposed annexation area, indicate how this will be addressed:
4.8	If the municipality does not provide water, attach statement(s) from the water provider indicating their ability to serve the proposed annexation area and briefly describing system capacity and capital improvements needed to support either the proposed density or maximum allowable density under the proposed zoning. The provider should detail specific phasing plans or other special arrangements needed to supply service to the annexation area. <input type="checkbox"/> letter attached

### 5. Wastewater System

5.1	<input type="checkbox"/> Check here if the proposed annexation area will be served by a public wastewater system and complete Items 5.2 through 5.8. If not, complete Items 5.8 and 5.9.
5.2	<input type="checkbox"/> Check here if the municipality will transmit and treat wastewater from the proposed annexation area, attach relevant sections of the wastewater facilities plan, and complete Items 5.3 through 5.8. <input type="checkbox"/> Check here if the municipality will transmit wastewater to another treatment operator and proceed to Item 5.9. <input type="checkbox"/> Check here if wastewater will be transmitted and treated by another treatment operator and proceed to Item 5.9.
5.3	Current municipal treatment capacity (daily maximum gpd without capital expenditure):
5.4	Current municipal average wastewater flow (gpd):
5.5	DNREC permitted discharge (gpd):
5.6	Estimated future wastewater demand (gpd) within current municipal boundaries based on approved EDUs and full build-out of vacant acreage under current zoning:

5.7	Estimated future wastewater demand for proposed annexation area (gpd) based on EDUs under the proposed density or maximum allowable density under the proposed zoning:
5.8	Describe any municipal or developer funded infrastructure improvements necessary to transmit and/or treat waste from the proposed annexation area.
5.9	If the municipality does not provide wastewater transmission and/or treatment, attach statement(s) from the wastewater service provider and/or treatment operator indicating their ability to serve the proposed annexation area and briefly describing system capacity and capital improvements needed to support either the proposed density or maximum allowable density under the proposed zoning. The provider should detail specific phasing plans or other special arrangements needed to supply service to the annexation area. <input type="checkbox"/> letter attached

## 6. Electricity

6.1	<input type="checkbox"/> Check here if the municipality will provide electric service to the proposed annexation area and complete Items 6.2 and 6.3. If not, proceed to Item 6.4.
6.2	Date of the most recent municipal electrical facilities plan:
6.3	Describe electrical upgrades underway or planned within the next 5 years for the proposed annexation area:
6.4	If electrical service is to be provided by another jurisdiction or a public utility regulated by the Delaware Public Service Commission, attach a statement from the provider indicating their ability to serve the proposed annexation area and briefly describing phasing plans or special arrangements needed to support either the proposed density or maximum allowable density under the proposed zoning. <input type="checkbox"/> letter attached

## 7. Public Safety

7.1	Public safety and other non-municipal authorities are obligated to serve their territories and are to be notified of proposed annexations. Attach copies of notification letters <u>and any responses</u> to and from non-municipal police, fire, EMS, county or other authorities having jurisdiction in the proposed annexation area. <input type="checkbox"/> letters attached
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## 8. Fiscal Information

8.1	Attach a copy of the municipality's current fiscal year budget. <input type="checkbox"/> budget attached <input type="checkbox"/> budget on file with Office of State Planning Coordination <input type="checkbox"/> budget not available; the fiscal management practices of the municipality are described as follows :
8.2	Attach a copy of the most recent audit prepared for the municipality. <input type="checkbox"/> audit attached <input type="checkbox"/> audit on file with Office of State Planning Coordination <input type="checkbox"/> audit not available
8.3	If applicable, attach copies of any annexation agreement(s) with owners, potential buyers or developers, and/or service providers pertaining to the proposed annexation area. <input type="checkbox"/> agreement(s) attached <input type="checkbox"/> not applicable
8.4	If applicable, use the following table to indicate the source of funds to construct infrastructure necessary to develop the annexation area to either the proposed density or maximum allowable density under the proposed zoning. <input type="checkbox"/> not applicable

<b>Capital Infrastructure Improvements</b>	<b>Impact Fees or Annexation Fees from Developer or Public Utility</b>	<b>Other Municipal Funds</b>
Water system	<input type="checkbox"/>	<input type="checkbox"/>
Wastewater transmission	<input type="checkbox"/>	<input type="checkbox"/>
Wastewater treatment	<input type="checkbox"/>	<input type="checkbox"/>
Electrical system	<input type="checkbox"/>	<input type="checkbox"/>
Public streets	<input type="checkbox"/>	<input type="checkbox"/>

- 8.5 If applicable, use the following table to indicate the source of funds to maintain the annexation area when developed to either the proposed density or maximum allowable density under the proposed zoning. ☐ not applicable

<b>Operating and Maintenance Costs</b>	<b>Homeowner or Condominium Association Fees</b>	<b>Public Utility Fees or Enterprise Funds <sup>2</sup></b>	<b>Other Municipal Funds</b>
Water system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wastewater transmission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wastewater treatment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electrical system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public streets	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## 9. Certifications

The undersigned certify that the information provided in this Plan of Services is complete and accurate to the greatest extent practicable and that all letters required from service and utility providers are attached.

Mayor \_\_\_\_\_

Town Engineer \_\_\_\_\_

Place your cursor below this line and use the Insert function on your toolbar to attach documents electronically.

<sup>1</sup> The Office of State Planning Coordination has final discretion and is available to help your municipality evaluate whether specific parcels meet these guidelines or merit additional consideration due to unusual boundary configurations or other special factors. An enclave is defined for the purpose of evaluating this Plan of Services as an individual lot, piece or parcel of land, a group of parcels or an entire subdivision of record; where

a. the boundaries are not less than 50% contiguous with the boundaries of an annexing municipal corporation; and which is designated by the municipality's most recent certified comprehensive plan as an annexation area; and

b. is lawfully accessible by vehicular traffic over lands lying within the annexing municipal corporation; and

c. is receiving public services such as water, sewer, electric, police protection, fire protection or trash collection, from the said municipal corporation, its municipal electric company, or any water and/or sewer authority of which the said municipal corporation is a member; or

d. in addition to item B, is not currently receiving public services but will have available such public services as are provided to other properties within the annexing municipal corporation whether by the said municipal corporation, its municipal electric company, any water and/or sewer authority of which the said municipal corporation is a member, or by a public utility regulated by the Delaware Public Service Commission.

<sup>2</sup> Enterprise funds, typically for municipal utilities, are financed by user fees for the utilities. The purpose of enterprise funds is to provide services to consumers at a price that will cover both the current cost of operations and the maintenance and financing of necessary capital assets.

## **Provisions of the Delaware Code Applicable to Annexations**

### **Title 22 § 101 Annexation by city or town**

Any city or town proposing to extend its boundaries, irrespective of any municipal charter provisions, whether such extension is proposed by action of the General Assembly or pursuant to the provisions of a home rule charter, except any proposed annexation that has been submitted to the Office of State Planning Coordination prior to the effective date of this Act for review, shall conform to the following provisions:

(a) All annexations must be consistent with the most recently adopted municipal comprehensive plan meeting the requirements of Title 22, Chapter 7, Delaware Code. The area(s) being considered must be depicted as area(s) for future annexation on the adopted plan. If a municipality does not have an adopted comprehensive plan, or if its adopted comprehensive plan does not depict areas for future annexation, it shall prepare and adopt a plan or plan amendment within 12 months of the effective date of this Act. The municipality shall not approve any annexations until such plan or plan amendment is adopted, notwithstanding any other charter provisions; except that during the 12-month period a municipality may consider an annexation of already developed parcels where the proposed use(s) will not change from that currently authorized in the adjacent jurisdiction and where the primary purpose of the annexation is to address existing public health or safety issues such as, but not limited to, failing on-site wastewater disposal systems or contaminated or inadequate drinking water. In such cases the provisions of §101(b) through (f) of this section shall not apply.

(b) A city or town shall prepare a plan of services indicating those services it expects to provide to the newly annexed area, how such services will be provided, and the fiscal and operating capabilities of the municipality to provide such services. Should any services be provided by another jurisdiction or a public utility regulated by the Delaware Public Service Commission, the written comments of such provider on the provider's ability to provide the necessary services for the proposed annexation shall be obtained and included in the plan of services. The study shall be conducted in accordance with standards or criteria established by the Cabinet Committee on State Planning Issues as administered

by the Office of State Planning Coordination.

(c) At the time of annexation the jurisdiction shall by ordinance rezone the area being annexed to a zoning classification consistent with the adopted comprehensive plan or development strategy.

(d) A municipality proposing annexation must fully comply with the provisions of Chapter 92, Title 29, Delaware Code as to State notice, and must demonstrate that it has notified all other affected jurisdictions, conducted a public hearing, and provided a comment period of at least 30 days before formal annexation. The city or town proposing annexation shall file with the State Office of Planning Coordination any written comments received concerning such proposed annexation together with any response(s) thereto.

(e) The Advisory Council on Planning Coordination shall establish a mechanism for resolving disputes between jurisdictions regarding annexations. The mechanism developed by the Council shall address: determination of how the costs for the dispute resolution process are born among the parties; timeline for the dispute resolution process; and extent to which the dispute resolution process will be enforceable.

## **Title 22 § 702. Comprehensive development plan**

(a) A planning commission established by any incorporated municipality under this chapter shall prepare a comprehensive plan for the city or town or portions thereof as the commission deems appropriate. It is the purpose of this section to encourage the most appropriate uses of the physical and fiscal resources of the municipality and the coordination of municipal growth, development and infrastructure investment actions with those of other municipalities, counties and the State through a process of municipal comprehensive planning.

(b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.

(c) The comprehensive plan shall be the basis for the development of zoning regulations as permitted pursuant to Chapter 3 of this title.

(d) After a comprehensive plan or portion thereof has been adopted by the municipality in accordance to this chapter, the comprehensive plan shall have the force of law and no development shall be permitted except as consistent with the plan.

(e) At least every 5 years a municipality shall review its adopted comprehensive plan to determine if its provisions are still relevant given changing conditions in the municipality or in the surrounding areas. The adopted comprehensive plan shall be revised, updated and amended as necessary, and re-adopted at least every 10 years.

(f) Municipalities shall file their adopted comprehensive plan with the Office of State Planning

Coordination within 90 days of the effective date of this section, and within 90 days after any re-adoption or revision, update or amendment thereto. Municipalities shall further provide to the Office of State Planning Coordination by December 31 of each year a report describing implementation of their comprehensive plan and identifying development issues, trends or conditions since the plan was last adopted or amended.